

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. Patent and Trademark Office  
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Arlington, VA 22202

# CONTINUATION PATENT APPLICATION TRANSMITTAL

**This is a request for filing a Continuation patent application under 37 C.F.R. 1.53(b).**

1. This application is a Continuation Patent Application under 37 C.F.R. 1.53 of pending prior application No. 09/367,009 filed on November 8, 1999 of:

**Inventors:**

1. Carol Morris, New South Wales, Australia
2. Mark Willcox, New South Wales, Australia
3. Shirley Bolis, Griffith, Australia
4. Bradley Walsh, New South Wales, Australia
5. Ben Herbert, New South Wales, Australia
6. Mark Molloy, New South Wales, Australia
7. Andrew Arthur Gooley, New South Wales, Australia
8. Keith Leslie Williams, New South Wales, Australia

### For: Diagnosis of Disease Using Tears

Prior Application: 09/367,009  
Examiner: Minh Tam B. Davis  
Group Art Unit: 1642

2. The papers enclosed are as follows:

### A new continuation application:

**10** Pages of specification including

**08** Pages of description

**02** Pages of claims

00 Sheets of Drawings

3. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
4. Relate Back (35 U.S.C. 120): Please see the attached Preliminary Amendment.
5. Assignment: The prior application is assigned of record to Macquarie Research Limited and Unisearch Limited at Reel/Frame 010365/0202 on November 8, 1999.

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6. Extension of Time in Parent Application No. 09/367,009: For the purposes of maintaining copendency between prior application 09/367,009 and this continuation application, Applicants filed a Notice of Appeal on December 23, 2003 further extending the period of response to February 23, 2004. Applicants currently petition for an additional five-month extension of time further extending the period for response from February 23, 2004 to July 23, 2004, the fee for which is \$2,010.00 as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor.
7. Fee Calculation (37 C.F.R. 1.16):

Claims For Fee Calculation				
	Number Filed	Extra	at Rate of	Basic Fee \$770.00
Total Claims	00 - 20	00	\$ 18.00 each =	+\$0.00
Independent Claims	00 - 3	00	\$ 86.00 each =	+\$0.00
Multiple dependent claims			\$290.00	+\$0.00
Sub-total =				\$0.00
Reduction by 1/2 for filing by a small entity				-\$0.00
Total Filing Fee =				\$0.00

8. Fee Payment: The Commissioner is hereby authorized to charge \$2,010.00 to Deposit Account No. 50-0310 for payment of the five-month extension of time fee in prior application 09/367,009.

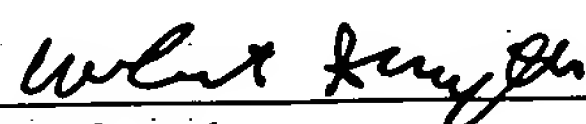
**No Filing Fee is being paid by check or deposit account at this time.** This application is being filed under the provisions of 37 C.F.R. 1.53(f). Applicant awaits notification from the Patent and Trademark Office of the time set for paying the filing fees.

10. Additional Papers Filed:
- i. Copy of inventor declarations
  - ii. Preliminary Amendment
11. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
12. **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

**Please accord this new U.S. Continuation Application a serial number and filing date.**

Dated: July 23, 2004  
Morgan, Lewis & Bockius LLP  
Customer No. 09629  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted  
Morgan, Lewis & Bockius LLP

  
Robert Smyth  
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